



HOUSE OF REPRESENTATIVES

COMMITTEE ON CRIMINAL JUSTICE

REP. KARA HOPE

CHAIR

COMMITTEE MEETING MINUTES

Tuesday, October 31, 2023

9:00 AM

Room 519, House Office Building

The House Committee on Criminal Justice was called to order by Chair Hope.

The Chair requested attendance be called:

Present: Reps. Hope, Andrews, Tyrone Carter, Young, Arbit, Dievendorf, Tsernoglou, Filler, Mueller, Bezotte, Harris, BeGole.

Absent: Rep. Breen.

Excused: Rep. Breen.

Representative Andrews moved to adopt the meeting minutes from October 24, 2023. There being no objection, the motion prevailed by unanimous consent.

The Chair laid HB 5075 before the committee:

HB 5075 (Rep. Bezotte)

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 520c, 520d, 520e, and 520g (MCL 750.520c, 750.520d, 750.520e, and 750.520g), sections 520c, 520d, and 520e as amended by 2012 PA 372.

Representative Bezotte testified in support of HB 5075. Questions and discussion followed.

The following people submitted a card in support of HB 5075, but did not wish to speak:

Jess Averill, representing the the Michigan Domestic and Sexual Violence Prevention and Treatment Board.

Mary Pollock, representing the American Association of University Women of Michigan.

Matt Saxton, representing the Michigan Sheriffs' Association.

Cheryl Collins, representing the Victims of Gerald Sutter.

The Chair laid HB 4482, HB 4483, HB 4484, HB 4485, HB 4486 and HB 4487 before the committee:

HB 4482 (Rep. Brixie)

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5851b (MCL 600.5851b), as added by 2018 PA 183.

HB 4483 (Rep. Steckloff)

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5805 (MCL 600.5805), as amended by 2018 PA 183.

HB 4484 (Rep. Arbit)

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 6431 and 6452 (MCL 600.6431 and 600.6452), section 6431 as amended by 2020 PA 42 and section 6452 as amended by 2020 PA 44.

HB 4485 (Rep. Miller)

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 24 of chapter VII (MCL 767.24), as amended by 2018 PA 182.

HB 4486 (Rep. Whitsett)

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts," by amending section 7 (MCL 691.1407), as amended by 2013 PA 173, and by adding section 7d.

HB 4487 (Rep. Scott)

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 6431 (MCL 600.6431), as amended by 2020 PA 42.

Representative Brixie testified in support of HB 4482, HB 4483, HB 4484, HB 4485, HB 4486 and HB 4487. Questions and discussion followed.

Greg Guggemos, representing himself, testified in support of HB 4482, HB 4483, HB 4484,

HB 4485, HB 4486 and HB 4487.

Shawn Sutherlin, representing himself, testified in support of HB 4482, HB 4483, HB 4484, HB 4485, HB 4486 and HB 4487.

Cheryl Collins, representing the victims of Gerald Sutter, testified in support of HB 4482, HB 4483, HB 4484, HB 4485, HB 4486 and HB 4487.

The following people submitted a card in support of HB 4482, HB 4483, HB 4484, HB 4485, HB 4486 and HB 4487, but did not wish to speak:

Jess Averill, representing the Michigan Domestic and Sexual Violence Prevention and Treatment Board.

Mitch Albers, representing the Michigan Association for Justice.

Flannery Houston, Director of Programs, representing Rise.

Mary Pollock, representing the American Association of University Women of Michigan.

Peg Reali and Stephen Olsick, representing Reali Law, APC.

Peg Reali and Robert O., representing Reali Law, APC.

Kathryn Robb, representing CHILD USA Advocacy.

Heath B. Lowry, representing the Michigan Coalition to End Domestic & Sexual Violence.

Zoey Brewer, representing the Rape, Abuse, and Incest National Network.

Jill Kopec, representing Grewal Law, PLLC.

Julie Cooper, representing herself.

Frederick Michael Pierce, representing himself.

Shawn Sutherlin, representing himself.

Hannah Smith, representing herself.

Pamela Bergevin, representing herself.

Cassie McQuater, representing herself.

Guy Irwin, representing himself.

Susan Maroney, representing herself.

Daniel Farison, representing himself.

Brenda Coates, representing herself.

Greg Derr, representing himself.

Melanie Sakoda, representing herself.

Brian Horn, representing himself.

Jennifer Szenay, representing herself.

Devon Coates, representing themselves.

Cahterine Huebner, representing herself.

Lu Anne Szenay, representing herself.

Susan Perrier, representing herself.

Mary Beth Ersig, representing herself.

Kristen Sutherlin, representing herself.

Erica Sellers, representing herself.

Kathleen Hamrick, representing herself.

Carrie Sayer, representing herself.

Sara Wolf, representing herself.

John Karagoulis, representing himself.

Tashina Suzuki, representing herself.

Amy Lauter, representing herself.

Isabelle Brouman, representing herself.
Catherine Hinkle, representing herself.
Stephen DeBruyne, representing himself.
Krystin Krenitsky, representing herself.
Erin McLoughlin, representing herself.
Paige Sayer, representing herself.
Logan Sayer, representing himself.
Robin Gelfenbien, representing herself.
Jane Lieberman, representing herself.
Diane Hill, representing herself.
Christine Arbogast, representing herself.
Ben Sayer, representing himself.
Robert Barrett, representing himself.
Crystal Barrett, representing herself.
Brianna Monroe, representing herself.
Richard Thomas, representing himself.
Jeff Tirrell, representing himself.
Amy Lowman, representing herself.
Christine Beals, representing herself.
Nadja Tirrell, representing herself.
Amelia Brown, representing herself.
Andrew Campbell, representing himself.
Elizabeth Abdnour, representing herself.
Bobby Huebner, representing himself.
Shaina Mahler, representing herself.
Patrick Ersig, representing himself.
John Nardecchia, representing himself.
Deborah Unger, representing herself.
Jill Berti, representing herself.
Jenna Dioguardi, representing herself.
Tyler Dyke, representing himself.
Kelly Goldberg, representing herself.
Catherine Filippov, representing herself.
Terrence Hisson, representing himself.
Marilyn Wakefield, representing herself.
Guy Irwin, representing himself.
Gerald Sobel, representing himself.
Stacie Adams, representing herself.
Joseph Bellgowan, representing himself.
April Millward, representing herself.
Emily Brouman, representing herself.
Kathryn McQuater, representing herself.
Jay Sefton, representing himself.
Arianna Clark, representing herself.
Bryan Derr, representing himself.
Linda Cobe, representing herself.
Megan K. Farison, representing herself.
Mark Mazzullo, representing himself.

Katherine McMahan, representing herself.
Patrick James Ersig, representing himself.
Joe Johnston, representing himself.
Christie Marlene, representing herself.
Maya Crosman, representing herself.

The following person submitted a card in opposition to HB 4482, HB 4483, HB 4484, HB 4485, HB 4486 and HB 4487, but did not wish to speak:

Dan Hurley, representing the Michigan Association of State Universities.

The following people submitted a card in opposition to HB 4482, HB 4485 and HB 4486, but did not wish to speak:

John Severson, representing the Michigan Association of Intermediate School Administrators.

Jennifer Smith, representing the Michigan Association of School Boards.

Matt Schueller, representing the Michigan Association of Superintendents and Administrators.

The following person submitted a card in support of HB 4482, but did not wish to speak:

Brian Hurtekant, representing all survivors.

The following people submitted a card in opposition to HB 4482, but did not wish to speak:

Tom Hickson, representing the Michigan Catholic Conference.

Brian Broderick, representing the Michigan Association of Non Public Schools.

The following person submitted a card in support of HB 4485, but did not wish to speak:

Matt Saxton, representing the Michigan Sheriffs' Association.

The following person submitted a card in opposition to HB 4485, but did not wish to speak:

Gabrielle Dresner, representing the ACLU of Michigan.

The following person submitted a card with a neutral position on HB 4486, but did not wish to speak:

Gabrielle Dresner, representing the ACLU of Michigan.

The following person submitted a card in opposition to HB 4486, but did not wish to speak:

Bob Kefgen, representing the Michigan Association of Secondary School Principals.

At 9:53 AM, the Chair laid the committee at ease.

At 9:55 AM, the Chair called the committee back to order.

Representative Filler offered the following amendments to HB 4482:

1. Amend page 2, line 18, after "or" by striking out "**section**" and inserting "or sections 5805".
2. Amend page 2, line 19, after "who" by inserting a comma and "while a minor,".
3. Amend page 2, line 20, after "conduct" by inserting "after December 31, 1996 but".

4. Amend page 2, line 20, after "before" by inserting "2 years before".
5. Amend page 2 line 21, after "the" by striking out "**2023**".
6. Amend page 2, line 21, after "that" by striking out "**amended**" and inserting "added".
7. Amend page 2, line 22, after "section" by striking out "**is revived and the individual**".
8. Amend page 2, line 24, by striking out "**before 2 years**" and inserting "within 90 days".
9. Amend page 2, line 24, after the second "the" by striking out "**2023**".
10. Amend page 2, line 25, after "that" by striking out "**amended**" and inserting "added".
11. Amend page 2, line 25, after "section" by striking out the period and inserting "if the person alleged to have committed the criminal sexual conduct was convicted of criminal sexual conduct against any person under section 520b of the Michigan penal code, 1931 PA 328, MCL 750.520b, and the defendant admitted either of the following:
 - (a) That the defendant was in a position of authority over the victim as the victim's physician and used that authority to coerce the victim to submit.
 - (b) That the defendant engaged in purported medical treatment or examination of the victim in a manner that is, or for purposes that are, medically recognized as unethical or unacceptable."

Representative Filler moved to adopt the amendments to HB 4482. The motion did not prevail 5-7-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Filler, Mueller, Bezotte, Harris, BeGole.

Nays: Reps. Hope, Andrews, Tyrone Carter, Young, Arbit, Dievendorf, Tsernoglou.

Pass: None.

Representative Tyrone Carter moved to report out HB 4482 with recommendation. The motion prevailed 7-4-1:

FAVORABLE ROLL CALL

Yeas: Reps. Hope, Andrews, Tyrone Carter, Young, Arbit, Dievendorf, Tsernoglou.

Nays: Reps. Filler, Bezotte, Harris, BeGole.

Pass: Rep. Mueller.

Representative Young moved to report out HB 4483 with recommendation. The motion prevailed 7-4-1:

FAVORABLE ROLL CALL

Yeas: Reps. Hope, Andrews, Tyrone Carter, Young, Arbit, Dievendorf, Tsernoglou.

Nays: Reps. Filler, Bezotte, Harris, BeGole.

Pass: Rep. Mueller.

Representative Arbit moved to adopt substitute (H-1) to HB 4484. The motion prevailed 7-0-5:

FAVORABLE ROLL CALL

Yeas: Reps. Hope, Andrews, Tyrone Carter, Young, Arbit, Dievendorf, Tsernoglou.

Nays: None.

Pass: Reps. Filler, Mueller, Bezotte, Harris, BeGole.

Representative Filler offered the following amendment to HB 4484 (H-1):

1. Amend page 2, line 12, by striking out all of enacting section 1 and renumbering the remaining enacting section.

Representative Filler moved to adopt the amendment to HB 4484. The motion did not prevail 5-7-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Filler, Mueller, Bezotte, Harris, BeGole.

Nays: Reps. Hope, Andrews, Tyrone Carter, Young, Arbit, Dievendorf, Tsernoglou.

Pass: None.

Representative Dievendorf moved to report out HB 4484 with recommendation, as substitute (H-1). The motion prevailed 7-5-0:

FAVORABLE ROLL CALL

Yeas: Reps. Hope, Andrews, Tyrone Carter, Young, Arbit, Dievendorf, Tsernoglou.

Nays: Reps. Filler, Mueller, Bezotte, Harris, BeGole.

Pass: None.

At 10:02 AM, the Chair laid the committee at ease.

At 10:07 AM, the Chair called the committee back to order.

Representative Filler offered the following amendment to HB 4485:

1. Amend page 5, following line 18, by inserting:

"(12) The changes made to the limitation periods under this section by the 2023 amendatory act that added this subsection apply to offenses committed on or after the effective date of the 2023 amendatory act that added this subsection and do not apply retroactively to an offense committed before that date."

Representative Filler moved to adopt the amendment to HB 4485. The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Hope, Andrews, Tyrone Carter, Young, Arbit, Dievendorf, Tsernoglou, Filler, Mueller, Bezotte, Harris, BeGole.

Nays: None.

Pass: None.

Representative Tsernoglou moved to report HB 4485 as amended, as substitute (H-1). The motion prevailed 7-5-0:

FAVORABLE ROLL CALL

Yeas: Reps. Hope, Andrews, Tyrone Carter, Young, Arbit, Dievendorf, Tsernoglou.

Nays: Reps. Filler, Mueller, Bezotte, Harris, BeGole.

Pass: None.

Representative Andrews moved to adopt substitute (H-3) to HB 4486. The motion prevailed 7-0-5:

FAVORABLE ROLL CALL

Yeas: Reps. Hope, Andrews, Tyrone Carter, Young, Arbit, Dievendorf, Tsernoglou.

Nays: None.

Pass: Reps. Filler, Mueller, Bezotte, Harris, BeGole.

Representative Filler offered the following amendment to HB 4486 (H-3):

1. Amend page 5, line 20, by striking out all of subsection **(4)** and renumbering the remaining subsection.

Representative Filler moved to adopt the amendment to HB 4486. The motion did not prevail 5-7-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Filler, Mueller, Bezotte, Harris, BeGole.

Nays: Reps. Hope, Andrews, Tyrone Carter, Young, Arbit, Dievendorf, Tsernoglou.

Pass: None.

Representative Andrews moved to report out HB 4486 with recommendation, as substitute (H-3). The motion prevailed 7-4-1:

FAVORABLE ROLL CALL

Yeas: Reps. Hope, Andrews, Tyrone Carter, Young, Arbit, Dievendorf, Tsernoglou.

Nays: Reps. Filler, Bezotte, Harris, BeGole.

Pass: Rep. Mueller.

Representative Young moved to adopt substitute (H-1) to HB 4487. The motion prevailed 7-0-5:

FAVORABLE ROLL CALL

Yeas: Reps. Hope, Andrews, Tyrone Carter, Young, Arbit, Dievendorf, Tsernoglou.

Nays: None.

Pass: Reps. Filler, Mueller, Bezotte, Harris, BeGole.

Representative Filler offered the following amendment to HB 4487 (H-1):

1. Amend page 2, line 23, by striking out all of enacting section 1.

Representative Filler moved to adopt the amendment to HB 4487. The motion did not prevail 5-7-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Filler, Mueller, Bezotte, Harris, BeGole.

Nays: Reps. Hope, Andrews, Tyrone Carter, Young, Arbit, Dievendorf, Tsernoglou.

Pass: None.

Representative Arbit moved to report out HB 4487 with recommendation, as substitute (H-1). The motion prevailed 7-4-1:

FAVORABLE ROLL CALL

Yeas: Reps. Hope, Andrews, Tyrone Carter, Young, Arbit, Dievendorf, Tsernoglou.

Nays: Reps. Filler, Bezotte, Harris, BeGole.

Pass: Rep. Mueller.

Representative Dievendorf moved to excuse Representative Breen from the meeting. There being no objection the motion prevailed by unanimous consent.

There being no further business before the committee, Chair Hope adjourned the meeting at 10:14 AM.

Representative Kara Hope, Chair

Melissa Sweet
Committee Clerk
msweet@house.mi.gov